

**SEVENTH CIRCUIT JUDICIAL COMMISSION
APPLICATION FOR ASSOCIATE CIRCUIT JUDGE
CLAY COUNTY, MISSOURI**

***PLEASE NOTE: RESPONSES TO THESE QUESTIONS WILL BE
THE APPLICANT IS SELECTED AS ONE OF THE NOMINEES***



1. State your full name. **Timothy J. Flook**
2. State your date and location of birth. **February 15, 1967, N. Kansas City, MO**
3. State your present principal occupation, place of work, and job title. **Attorney, Flook & Graham, P.C., 11 E. Kansas Street, Liberty, MO 64068**
4. Provide the following information concerning your eligibility for the office of Associate Circuit Judge:
 - (a) Are you at least twenty-five years of age? **Yes**
 - (b) Are you licensed to practice law in Missouri? **Yes**
 - (c) Are you a registered voter in Missouri? **Yes**
 - (d) Are you a resident of Clay County? **Yes**
5. State the year of your admission to the Missouri Bar and whether your license is and always has been in good standing. If not, please explain.

I was admitted to the Missouri Bar in 1992 and have remained in good standing since admission.
6. List any other states, courts, or agencies in which you have been licensed as an attorney, and state whether your license is and always has been in good standing.

I was admitted to the Kansas Bar in 1993 and have remained in good standing in Kansas since admission.

7. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of an Associate Circuit Judge, including the ability to preside over trials, conduct legal research and analysis, attend court anywhere in the State of Missouri, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court.

I am able to perform the functions of an Associate Circuit Judge without need of unique accommodation.

8. Provide the following information for all colleges or universities, other than law schools, you have attended:

(a) Name and location of institution:

William Jewell College in Liberty, Missouri

St. Peters College of Oxford University, Oxford, England - Visiting Scholar re: political science and literature.

**La Academia Hispano Americano - January 2004
San Miguel de Allende, Mexico**

(b) Dates attended and degrees received

1985-89 BA History and Philosophy, William Jewell College

(c) Significant activities, achievements, honors, and awards

William Jewell College Oxford Honors Scholar

William Jewell College Dean's List

Phi Alpha Theta History Honorary Society

9. Provide the following information for all law schools you have attended:

(a) Name and location of law school

(b) Dates attended and degrees received

(c) Significant activities, achievements, honors, and awards

Juris Doctorate - University of Missouri Kansas City School of Law 1989-1992

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain. No
11. List, in chronological order, all non-legal and legal employment you have held post-high school. Include the name and location of each employer, job title, dates of employment, and reason for termination of employment.

Flook & Graham, P.C. - 1997 to the present Shareholder of Firm. General civil and criminal practice focused in business law and litigation, employment law, personal injury, small estate planning, and a limited felony criminal practice.

Clay County, Missouri - January 2013 to the present As part of my law practice at Flook & Graham, P.C., I am contracted as an Assistant Clay County Counselor. My responsibilities include legal representation of Clay County regarding employment matters, litigation prevention, Constitutional compliance, public procurement law, contract drafting, as well as representation of the County Planning & Zoning Department, Board of Zoning Adjustment, defense of Clay County on zoning appeals to the Circuit Court, general litigation, and representation of the Clay County Public Administrator regarding general litigation, deceased estates and guardian or conservator estates.

Missouri General Assembly - 2005 through 2010 In addition to practicing law with Flook & Graham, P.C., I briefly served as a Missouri State Representative for the 34th District in Clay County, Missouri. I served three terms and then decided to not run for reelection so that I could focus on the practice of law.

William Jewell College - 1996 through 2008 Adjunct Professor - Evening Division studies for Business Law I & II with undergraduates and Wills, Trust, and Estates for paralegal program. This was a part-time teaching position that I performed in addition to my private law practice and while also serving as a state legislator. Employment ended when the College reduced the number of courses offered in the evening division.

Clay County, Missouri - 1997 through 2001 In addition to my private practice at Flook & Graham, P.C., I also served as a Chief Assistant County Counselor - responsible for all County purchasing and construction contracts and negotiations, represented Clay County in civil litigation including torts, employment law, and other litigation, drafted zoning ordinances, resolutions and regulations. Employment ended when a newly elected County Commission replaced legal counsel.

Clay County, Missouri - 1993 through 1997 As part of my practice as an attorney with Kretsinger & Kretsinger, P.C. and Flook & Graham, P.C., I was also contracted with Clay County, Missouri as an Assistant County Counselor. My primary responsibility at this time was legal representation of the Public Administrator's Office and County Commission regarding employment matters and general civil litigation. Employment ended when a new County Commission promoted me to Chief Assistant.

Kretsinger & Kretsinger, P.C. - 1993 through 1997 Attorney at law, general civil and criminal practice. Employment ended by agreement and I joined the firm of Flook & Graham, P.C.

Liberty Public Schools - 1992 Part-time service as a substitute teacher.

Missouri Attorney General Criminal Division – 1991 to 1992 Internship - Appeals Unit. Prepared and argued before Court of Appeals on behalf of the State of Missouri.

Cerner Corporation - IT Training Room Monitor - 1990 to 1991 Responsible for reception and monitoring customer software training room on evenings and weekends.

William Jewell College Admissions Student Staff – 1987 to 1988 Responsible for admissions office work, hosting prospective students and families, and phone contacts with prospects.

Rick Pence Auction & Estate Sales - Laborer 1986 -1990 Worked on-call moving, setting up and assisting with auctions and estate sales. Ended employment when I began working for Cerner and seeking law clerk positions.

Liberty Public Schools - Summers 1985 to 1988 - Paint Crew Worked on summer work crews preparing buildings and facilities for ensuing school year. Ended employment after leaving for England and law school. Also self-employed during this time doing lawn care and landscaping, and umpiring baseball and softball.

12. Describe the nature and extent of your experience as a practicing attorney in the trial and appellate courts, and explain how such experience demonstrates the quality of your legal work.

I have enjoyed a variety of in-depth experiences as a practicing attorney in various courts in Missouri, Kansas and in federal court. In the 20 years I have practiced, I have represented parties in contested cases or matters before state and federal trial courts and in the Missouri Court of Appeals. Filed with this application is Attachment 1 which provides more comprehensive comments on how I believe my professional experiences demonstrate the quality of my legal work and ability to serve as a Judge. My experience and qualifications include the following:

BV Rated - According to the Martin Dale Hubble Lawyer Peer Review Service - this rating scale ranks me as "High to Very High" in legal ability and "Very High" on ethical conduct.

Jury Trial Experience: I have personally served as first chair or lead trial counsel on 16 jury trials (and second chaired 1 other) in both state and federal courts. In addition to these cases I have litigated approximately 150 or more cases

wherein a jury trial was demanded but the cases were resolved prior to trial following depositions and/or mediation. I have represented both plaintiffs and defendants ranging from all types of private parties and Clay County, Missouri. My jury trial or more advanced litigation experience is primarily in the areas of personal injury claims, employment law or wrongful termination claims, fraud and commercial contract claims, and criminal law.

Bench Trial Experience: I have personally served as lead counsel in approximately 140 or more bench trials involving various issues. I tried or litigated divorce cases, guardian and conservator trials, probate claims, an ERISA action, civil injunction actions, breach of contract and contract enforcement, declaratory judgment actions, and real estate disputes along with a substantial number of associate circuit court and municipal court bench trials.

Missouri Trial Courts: I have conducted cases in Clay County, Cass County, Clinton County, Ray County, Jackson County, Daviess County, Livingston, Benton, and Chariton County, Missouri among others.

Kansas Trial Courts: I have conducted cases in Johnson County, Wyandotte County and Sumner County, Kansas.

Federal Court Experience: In my practice, I typically will have a case or a part of a case in federal court once every two years. These cases include diversity jurisdiction cases, federal statutory claims such as false claims under the Patent Act or other federal statutes or certain employment or wrongful termination claims. I recently concluded a case in the Eastern District of Texas. I have also been admitted to the Eight Circuit Court of Appeals.

13. Provide a representative list of at least ten cases in which you served as the primary attorney at trial or an administrative hearing. The list should include the style of each case, court or administrative agency, identification of your client, and the nature and date of disposition.

Michele Chambers v. Harrah's North Kansas City, LLC:
Case No. 7 CV 105005583 (2007) Circuit Court of Clay County, Missouri.
\$1,000,000.00 Judgment.

This case involved the wrongful termination of a security employee, Michele Chambers, because her objections with regard to Harrah's violations and directions to violate Missouri State Gaming Regulations. I tried this case with attorney Kevin Baldwin representing plaintiff. My role in the litigation included presenting the case opening statement, and navigating the various statutes and gaming regulations using Gaming Commission witnesses and law enforcement officers and further included presenting the evidence and closing argument with regard to punitive

damages. This case involved over 4,000 pages of documents, a \$22 Billion international gaming organization and a highly complex area of state gaming regulations, and resulted in a unanimous jury verdict in favor of our client for compensatory and punitive damages of \$1,000,000.00 before interest.

**Clay County, Missouri v. Harley & Suzie Bogue, Bogue Farms, Inc.:
Case No. CV 196-2686 - CC (2000) Clay County Circuit Court.**

In this case, Clay County sought a declaratory judgment action regarding the constitutionality of its zoning regulations regarding the expansion of hog farms in the county. The Bogues filed counterclaims for inverse condemnation damages of over \$700,000.00. They alleged that their entire hog farm expansion and operation was shut down as a result of the County's zoning regulations. I was co-counsel at trial in this action with attorney Kevin Graham representing Clay County. I was responsible for the evidence and argument regarding the existence or non-existence of the Bogues' alleged damages. My work included study and preparation regarding the hog farm and sales industries and the use of an agricultural economist to debunk the allegations of lost profits. After a trial on all issues, we secured a judgment in favor of Clay County and it was reported as one of the most significant verdicts in 2000 by Missouri Lawyers Weekly.

**Gary McCollough vs. Raymond Zwego, North Mission Investments, et al.
Case No. 1116-CV02489 Circuit Court of Jackson County, MO (2013) \$2.3 Million Judgment and a substantial confidential partial settlement with some of the defendants.**

This case was consolidated in part with the matter of Francine Kearns vs. Raymond Zwego, et al., noted below, and involved claims for fraud, negligence and breach of contract against a group of defendants for their respective contributions to an elaborate real estate loan "Ponzi" scheme. I represented two of the victims who were badly damaged by the scheme. I was lead trial counsel. The key defendants targeted inexperienced real estate investors with high credit scores and lured them into a "real estate investment club" where defendants were to be the plaintiffs' agents and managers. However, these defendants had arranged a fake purchase prices with the sellers and inflated appraisals in a scheme where the sellers would kick back the excess money over the true price to the defendants. To accomplish this fraud, the defendants had recruited a title company, a real estate agent, and appraisers who would process their transactions without raising objections. These two cases involved 20 different parties in the action, 18 investment properties, and 36 loans, and a variety of legal issues relating the fraudulent and/or negligent conduct of the various types of defendants who participated in and benefited from the transactions. Some of the defendants agreed to substantial confidential settlements. For the remaining defendants, a bench trial was held wherein the final damages Judgments were entered.

Francine Kearns vs. Ray Zwego, North Mission Investments, et al. Case No. 1016-CV 37401 Circuit Court of Jackson County, MO (2013) \$3.1 Million Judgment.

This case was the companion case to the Gary McCollough case above involving the same facts and conspiracies, and defendants. I was lead trial counsel. A recovery in favor of Ms. Kearns was reached through settlements and a final judgment pursuant to a bench trial.

Lisa Machicao, Adela Tan and Deanna Chaunet vs. Kansas City Missouri School District: Case Nos. 1116-CV28200 and 1116-CV25327 (2014) Circuit Court of Jackson County, Missouri. Confidential Settlement.

These were companion cases where I represented the Plaintiffs in wrongful termination actions. My clients held key purchasing department positions within the Kansas City School District. Each were each fired in part for their history of refusing to participate in, and reporting upon, purchases made in violation of Missouri public purchasing law and school district regulation. The action involved a complicated discovery process to decipher missing transactional documents, locating witnesses and correspondence that verified the events, as well as overcoming a sovereign immunity defense. After a significant amount of litigation and dispute, and shortly before trial, the Defendant agreed to a significant settlement.

Liberty Carbon Service, Inc. v. Deborah Lonsinger; and Lonsinger Farms, LLC v. Deborah Lonsinger: Case No. 10 LV-CC00133 and Case No. 10 LV-CC00134 (2011) Circuit Court of Livingston County.

I served as sole counsel for the plaintiff LLC with regard to a declaratory judgment action and member/stockholder derivative and injunction actions seeking to recover a combined \$1.18 Million which had been transferred from company accounts. This case is a good example of the type of corporate or transactional litigation that I have experienced. The key fact and legal issues in this case centered upon the collision of corporate formalities and officer authorities against the actions of a shareholder/member spouse in anticipation of a divorce. The case resulted in an additional action for the designation of a provisional corporate director and the appointment of a receiver within the companion divorce case, and stipulation to an order returning the funds.

Hometown Hearing & Audiology, Inc. vs. Stewart:
Case No. CV 101-5074 CC in the Clay County Circuit Court (2001)

In this case I represented the plaintiff with regard to a declaratory judgment action and defending counterclaims of a woman claiming to be a shareholder of the company and alleging wage violations. I was sole counsel for the company and the primary legal issue dealt with whether the defendant in fact performed the services necessary to earn a right to receive company stock, the amount of stock to be issued and the validity of the services she claimed to have provided in exchange for the stock. After a fair amount of litigation we were able to reach a mutually satisfactory result through a settlement.

GFSI, Inc. (Gear for Sports, Inc.) v. Jeffery Knapp:
District Court of Johnson County, Kansas, Case No. 05 CV 05937 (2005)

This case involved an action for breach of contract, and sought both temporary and permanent injunctions to specifically enforce a former regional sales director's non-compete agreement. I represented Jeffery Knapp. The case involved a large amount of discovery related to product sales nationally, branding and analysis of sales data in comparison between Gear for Sports and Mr. Knapp's new position with Tehama Company, a company co-owned by actor Clint Eastwood. The most notable issue in the case was an issue of first impression in Kansas (and Missouri at the time) regarding whether a company can use a stock transfer to an employee as the legal basis for a restrictive covenant agreement even though the company retained an option to buy back the stock on termination for virtually no cost. We tried the temporary motion for three days and submitted closing briefs on the question of valid or legal consideration and other fact issues. After trial, the opposing party relented and agreed to a settlement which released my client to continue his new employment. This resolution occurred because our evidence and legal analysis at trial was persuasive. I was the sole counsel representing Mr. Knapp in this case.

State v. John Collins and David Jackson:
Case No. CR 301-714 and 715 (2002) Circuit Court of Cass County, Missouri.

In this case, I was sole trial counsel representing co-defendants who were accused of resisting arrest and assault upon law enforcement officers in the third degree. The primary issue was whether Mr. Collins and Mr. Jackson in fact resisted and assaulted the officers or whether the officers had overreacted themselves. The case was tried to a jury and involved audio and video recordings, multiple police officer witnesses, policies and analysis of the highway where the events took place. The significance of this case is that we successfully won acquittals for both men under both assault charges and their convictions for "resisting arrest" were relegated to misdemeanors with no jail sentences and only a \$250.00 fine per person.

Richard Curnow v. Duane Smith:

Case No. 7 CV 1007462 (2000) Circuit Court of Clay County, Missouri.

In this case I represented Plaintiff, who had invested \$40,000.00 in a prime debenture purchase transaction whereby foreign debt obligations would be purchased and resold on the international market. The legal question involved was whether the investment was personally guaranteed or whether the defendant was required to repay the \$40,000.00 regardless of the failure of the investment. The case also involved a debate over the proper application of the statute of limitations and whether the claims of my client were time barred. I was sole counsel for Plaintiff and after trial and post-trial motions, judgment was entered for Plaintiff in the full amount. I later successfully defended the judgment on appeal.

Jessica Korell v. Saint Joseph River Front Casino Partners:

Case No. 98-6104-CV-SJ-SOW Federal District Court, Western District of Missouri. (2000)

This case involved a sexual harassment and discrimination action wherein I served as lead trial counsel representing Jessica Korell. Ms. Korell had been subjected to offensive comments about her looks and her complaints about sexual harassment were met with retaliation and termination. After an extensive discovery process and nearly four days of trial, the defendant casino capitulated and offered to pay Ms. Korell's requested compensation. The settlement was confidential. The key to our success in this case was a relentless pursuit of documentation and witnesses who were willing to speak the truth. During the process we found the key witnesses who would later testify at trial to uncover that Ms. Korell's manager had in fact retaliated because of her report of sexual harassment and discrimination.

Matter of Estate of Briscoe

Case No. CV 204-66P Circuit Court of Clay County, Missouri

I served as sole counsel for the children of a deceased person in a claim against the estate and the personal representative. This case involved the application of inheritance rights by statute, the establishment of paternity between the children and the deceased, and the collection or identification of assets. We were successful in recovering a reasonable inheritance for the two children and settling the estate. This case is an example of the types of contested probate or estate cases that I have worked upon.

14. If you have appellate experience, provide a representative list of cases in which you served as the primary attorney on appeal. The list should include the style of each case, appellate court or administrative agency, identification of your client, and the nature and date of disposition.

Matter of Moore, 885 S.W.2d 722 (Mo. App. WD 1994)

In this action I represented Clay County, Missouri in the establishment of a guardianship and conservatorship over a person who, although he had an exceptionally high IQ, suffered from serious mental illness. The case involved a week long jury trial and then Mr. Moore, through his attorney, appealed to the Western District wherein the issues on appeal were the sufficiency of evidence and whether evidence taken by the defendant's mother from his home constituted a state action and thus a search and seizure in violation of the 4th Amendment to the Constitution. The Court of Appeals upheld the jury's verdict.

Curnow v. Smith, 111 S.W.3d 569 (Mo. App. W.D. 2003)

This was a continuation of the trial I referenced above. After winning a judgment on the question of a whether the defendant personally guaranteed my client's investment, the defendant appealed on the grounds that the our claim was barred by the five-year statute of limitations and not the ten-year statute of limitations. I was sole counsel for plaintiff on appeal and the Court of Appeals upheld the underlying verdict.

Ballinger v. Rhees and Clay County, 39 S.W.3d 842 (Mo. App. W.D. 2000)

In this case, I was lead counsel defending Clay County, Missouri against the claim of a plaintiff who argued that a 20 year old order of child support was illegally entered by the Circuit Court without jurisdiction. The claim included multiple civil rights allegations and challenges seeking to recover child support wrongfully paid to the guardians of the children. I was sole counsel for the County and was able to secure a dismissal of the action prior to trial. The matter was taken up on appeal wherein I briefed and argued the case. The judgment of the trial court was affirmed.

15. If you are serving or have served in a judicial capacity, describe the nature and extent of your judicial responsibilities, the types of dockets handled, and any special expertise developed. **Presently not serving in a judicial capacity.**
16. If you do not have significant experience in litigation or in a judicial capacity, describe any other legal experience or accomplishments in the legal profession that may qualify you to serve in the office of Associate Circuit Judge.

Transactional and Corporate Work: In addition to the litigation portion of my practice, I also have had a large amount of experience in the creation of corporations and limited liability companies whereby I also serve as their general counsel. This work includes a steady amount of contract drafting and review, as well as drafting board minutes and assisting in the conduct of shareholder and board meetings. I have a large amount of experience in stock sale transactions, asset purchase transactions and regulatory compliance with the State. One of the highlight projects of which I was lead counsel was in the development of one of my clients from a three person office in the medical device business (the business and name must remain confidential). Through contract negotiations with manufacturers and acquisitions, the company grew to 7 locations in three cities securing more than \$1.5 Million in investment loans. They sold within seven years with the outstanding shareholders receiving roughly \$4 Million for their combined shares. I served as counsel throughout this successful venture and negotiated the purchase contract terms.

Estate Planning: I also have a large amount of experience in drafting of small estate plans, which include Wills, Living Trusts, Testamentary Trusts, and other similar instruments such as durable powers of attorney and healthcare directives. I also provide advice and planning for small businesses and the transfer of company ownership on death.

17. List all bar associations and other professional societies of which you are or have been a member, with any offices held and dates of membership.

Missouri Bar Association

Kansas Bar Association

Missouri Association of Trial Attorneys – Board Member

Clay County Bar Association – Board Member

Hispanic Bar Association of Greater Kansas City

American Association for Justice

18. List any published articles or books you have authored and any significant programs or events for which you served as a primary speaker.

**Continuing Legal Education ("CLE") Presenter for Missouri Bar Association
Legislative Update - 2005 through 2010**

**CLE Presenter to Clay County Bar Association Legislative Update - 2007 through
2010**

CLE Presenter as Member of Hispanic Bar Association – 1997 to 1999

19. Do you now or have you ever held any elective or appointive public office or position? If so, please explain.

I served three terms, or six years, in the Missouri House of Representatives wherein I represented the Liberty area and part of Kansas City, Missouri. I served on a variety of committees and was involved in a large amount of complex legislation which is further described in response to no. 29 herein below and within Attachment No. 1.

20. Provide the branches and dates of any military service or other public service not otherwise covered in this application. If discharged from the military, state whether the discharge was other than honorable. **Regretfully, I have not served.**
21. Describe your community and volunteer service activities, including any organizations (outside the legal profession) with which you are affiliated and any offices held.

Parish member Saint Andrews Catholic Church, Gladstone, Missouri

2013 Kansas City Mayor Sly James' Blue Ribbon Commission on Governance of the Kansas City Missouri Police Department.

President's Advisory Council, William Jewell College - 2005 to the present

Hispanic Bar Association of Greater Kansas City, Past President and Treasurer - 1994 to present

Hispanic Chamber of Commerce Greater Kansas City - 1993 to present

Liberty Area Chamber of Commerce, 1993 to 1998; 2003 to the present.

Knights of Columbus

Past member Liberty Rotary Club

Phi Gamma Delta Fraternity – Graduate Chapter, since 1986

22. List any significant honors, awards, or recognition you have received that otherwise have not been covered in this application.

Missouri Bar Association Legislative Award - 3 Times 2005 through 2010

Missouri Judicial Conference Award - 2009

Missouri Association of Probate & Associate Circuit Judges Award - 2009

Lewis & Clark *Statesmanship Award* of St. Louis Regional Business Council - 2009

Missouri Chamber of Commerce *Spirit of Enterprise Award* - 2009

Hispanic Leadership Counsel *Esperanza Award* - 2008

Missouri Economic Development Finance Association Award - 2009

St. Louis Business Journal Legislative Award - 2009

Missouri Association of Community Colleges Legislative Award - 2009

Vocational Services, Inc. Legislator of the Year Award - 2005

Missouri Watch *Defender of Patient Safety Award* - 2005

Missouri Association of Realtors *Service Recognition* - 2010

23. Are you delinquent in the payment of any federal, state, county or city taxes? If so, please explain. **No.**
24. Have you ever been convicted of a misdemeanor or felony or received a suspended imposition of sentence in any federal, state, or military court? If so, please explain and provide the style of the case (including case number), the court, the date of the conviction, and the sentence or fine imposed. **No.**
25. Have you ever been held in contempt of court? If so, please explain. **No.**
26. Have you ever been sued by a client or been a party to any litigation, other than as a guardian ad litem, plaintiff ad litem, or defendant ad litem? If so, please explain and provide the style of each case, the court, your role as plaintiff or defendant, and the nature and date of disposition. **No.**
27. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? If so, please explain. **No.**
28. If you are or were a member of the judiciary: **No.**
29. Provide any additional information that you consider relevant to your qualifications for

the office of Associate Circuit Judge.

My service as a Missouri legislator included a variety of lawmaking experiences which may be considered by the Commission.

Due to my qualifications as an attorney, I was selected to serve in a variety of committees and was intimately involved in several large pieces of legislation.

Committees:

**Judiciary Committee, Vice Chairman
Economic Development & Job Creation Committee, Chairman
Joint House-Senate Committee on Administrative Rules
Crime & Public Safety Committee
Urban Affairs Committee
Education Finance & Student Achievement Committee
Small Business Committee
Committee on Immigration Reform**

Gubernatorial Appointments:

School Bus Safety Commission - Appointed by Gov. Matt Blunt

Hispanic Business, Trade & Cultural Commission, Chairman - Appointed by Governor Matt Blunt

Governor's Tax Credit Review and Reform Commission - Appointed by Governor Jay Nixon

Key Legislation Authored, Carried or Significantly Participated In:

HB 191 - Economic Development Tax Incentive Omnibus Bill: In addition to a variety of other economic development bills, in 2009, I co-authored and carried a comprehensive Economic Development Bill. This legislation required reforming and rewriting Missouri's tax laws and tax credit qualifications to enable an increase in incentives without a negative impact on the state budget. I worked with labor organizations, community colleges, vocational and technical schools, venture capital associations and the regional chambers of commerce to establish viable legislation. This Bill passed into law and resulted in increased job training programs, capital finance opportunities for job creation, and encouraged private investment in science and technology related industries.

HB 393 and SB 1 - Tort Reform and Workers Compensation Legislation: In 2005, I was actively involved in the development of legislation affecting the nature of personal injury claims, damages claims and Worker's Compensation law and procedure. This was hard fought legislation involving serious issues of patient rights, injury victims and protections for doctors, medical providers and injured persons. This experience gave me an expanded base of knowledge regarding these areas of law and the interests of the litigants.

HB 1944 Eminent Domain Reform: In 2006 I served as Vice Chair of the House Judiciary Committee and was closely involved in the drafting and passage of legislation that comprehensively revised Missouri's law and statutory procedures with regard to the use of eminent domain. This legislation followed the U.S. Supreme Court's ruling in the case of *Kelo vs. New London*. This was controversial legislation and involved research and understanding of constitutionally preserved property rights, the takings and due process clauses of both the U.S. and Missouri Constitutions. This legislation was signed into law in 2006.

HB 441 Criminal Controlled Substances "Meth": As a member of the Crime and Public Safety Committee I was involved with the drafting and passage of Missouri's first substantial effort to combat meth production. This legislation was signed into law by Governor Blunt and placed new controls on the distribution and sale of compounds containing ephedrine or pseudoephedrine making the same a Schedule V drug. This legislation also criminalized related activities and resulted in a reduction in the number of meth-related crimes in Missouri.

HB 481 Uniform Child Custody Jurisdiction Act: Over a period of four years I carried the reformation bill for the UCCJA and was able to obtain passage of the same in 2009. This bill repealed the outdated portions of the UCCJA and enacted new provisions regarding establishment of child custody jurisdiction specifying priorities, and factors to be considered in custody jurisdiction determinations and emergency orders. The effect of this legislation was to prevent Missouri from being a safe haven for parents who have moved their children to Missouri in violation of another jurisdiction's custody order.

30. List the names and contact information (title, mailing address, telephone, and email address) of the five persons whom you have requested to provide letters of reference regarding your character and judicial qualifications. Do not list as a reference any judge who currently sits in the Seventh Judicial Circuit.

**Ward Brown
Withers, Brant, Igoe & Mullenix
2 S. Main
Liberty, MO 64068
(816) 781-4788
wbrown@withersbrant.com**

The Honorable Abe Shafer, Judge (retired)
21730 County Road M
Weston, MO 64098
(816) 582-4790
abshafer@centurylink.net
(Letter of Reference is attached hereto)

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(816) 373-9080
bcarr@wagblaw.com
(Letter of Reference is attached hereto)

The Honorable W. Brent Powell, Judge
Circuit Court of Jackson County, MO
415 E. 12th Street
Kansas City, MO 64106
(816) 881-3611
(Letter of Reference is attached hereto)

Eric G. Zahnd
Platte County Prosecutor
415 Third Street, Suite 60
Platte City, MO 64079
(816) 858-3476
ezahnd@platte.co.mo.us
(Letter of Reference is attached hereto)

OTHER REFERENCES:

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Flook & Graham, P.C.
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Liberty, MO 64068
(816) 792-0500
kevin@flookandgraham.com

The Honorable Harold "Hal" Lowenstein, Judge (Retired)
121 W. 48th St. # 906
Kansas City, MO 64112
haroldllowenstein@gmail.com
(816) 260-6249

All references listed may be contacted directly.

ATTACHMENT NO. 1

APPLICATION OF TIMOTHY J. FLOOK

In the United States, there is reason why lawyers are respected and riots are rare; it is because most Americans believe we have a court system that allows for some measure of justice. Although our courts do not always rule in the way a person might like, Americans, more so than others, know that their courts are a place where their grievances will be heard, their rights addressed or the injuries remedied. Our courts provide hope for fairness and a sense of fairness. Over the last 23 years it has been my privilege to practice law in Missouri. Were I granted the opportunity to serve as an Associate Circuit Judge, it would be an incredible honor. If appointed, I believe I will provide three key qualities to the bench: experience, respect, and humility.

As a practicing attorney I have worked in several areas of both civil and criminal law. I have represented both the State of Missouri and criminal defendants in felony and misdemeanor cases. While a third-year law student, I served in the Criminal Appeals Unit of the Missouri Attorney General and as a private attorney I have had a modest criminal defense practice which has included criminal trials. In the first 14 years of my career, I tried several divorce or family court cases and served as a guardian ad litem. In my work with the Clay County Public Administrator and in my private practice, I have drafted estate plans and litigated guardian and conservator cases, claims for and against estates, and represented parties in actions involving Trusts. Over the last decade, my practice in the areas of employment law, personal injury law, and commercial litigation has been the larger share of my practice. I have tried civil and criminal jury trials, bench trials and represented parties in municipal court proceedings. I have experience drafting and debating jury instructions and have even had the experience of authoring original instructions that did not at the time exist in the Missouri Approved Instructions manual. The diversity of my practice has allowed me to learn several subject areas in detail and forced me to be disciplined in legal research as I address new questions of law. Some of the notable areas of law wherein I have developed a strong familiarity are employment and tort law, local government and constitutional law, real estate law, corporate or business transactional rules, injunction actions and equitable claims. In order to properly represent my clients I have had to rise to each challenge and demand more and more from myself to be at my best for my clients. Listening, learning, and overcoming fear of new challenges are a part of my daily practice. More important, I have both succeeded and failed in my cases. I have worked through the losses with my clients and learned all too well their perspectives when things don't go well. I believe that an important quality a judge must have is the patience to listen and the willingness to take on difficult challenges in new areas of law and find the answer, or the "justice," in each case. As a Judge, I will remember that each decision will affect the parties and that the parties (and the attorneys) must be provided respect in the courtroom and respect with a timely final decision. My experience has prepared me for this aspect of serving on the bench.

In addition to my legal experience, I also served six years in the Missouri General Assembly. In that time I worked directly with Democratic and Republican governors, department officials, and members of the judiciary on multiple legal issues from public safety, funding of the courts,

constitutional amendments, tax incentives, eminent domain, education law, administrative law and many other matters. This was a challenging time in my professional life and required much of my personal effort. The reward was working for causes that made a positive difference and increasing my knowledge of law. Most important, I learned well the old adage that "What is popular is not always right, and what is right is not always popular," and that leadership and our system need public servants who are not afraid to remember this maxim and choose the right thing. Making votes on laws and the state budget allowed me to experience what it is like to make controversial decisions in a public setting. I also served on the Joint House-Senate Committee on Administrative Rules, a quasi-judicial body that reviewed proposed regulations of the various state agencies, such as the Department of Insurance, Public Safety or the Gaming Commission. This Committee heard and ruled upon the appeals of often very large industry groups and corporations. In this role, I made votes that challenged very powerful interests. This experience helped me to develop an important quality that I believe a judge must have; the ability to be decisive knowing that it will result in both praise and criticism.

After three terms in the legislature, I did not seek a fourth term so that I could return to my law practice full time. In a politically divided legislative district, I left office with a public approval rating in excess of 60% and several lasting friendships with both Democrats and Republicans. Indeed, I had developed such a good relationship with Governor Jay Nixon and his staff, that I was appointed to serve on the Governor's Tax Credit Reform Commission. Our controversial task was to reform and reduce a tax credit subsidy system to certain industries that negatively impacted Missouri's annual budget in sums exceeding Six Hundred Million Dollars per year and created hardship in core services such as education, roads, and social services.

My life experience is also of importance to my ability to serve well as a judge. My father was a career educator and my mother a hairdresser whose family emigrated from Mexico. I grew up in a suburb where my light skin and Anglo surname allowed me to blend in easily in a community with few immigrants. In my family life, however, I had close relationships with my immigrant grandparents and family and learned from their mouths their life stories and the challenges they each overcame to build a better life in America. My upbringing has kept me firmly rooted in the simple values of family, faith and gratitude for the opportunity to work. I have also traveled and studied in Europe and in Mexico and have had the wonderful blessing of making friends and learning different perspectives. These experiences have reminded me to be thankful and remain humble. More important, they remind me daily that despite differences in race, income, culture, or geography, we all desire the rule of law in our communities and a system of courts that does not judge a person by his or her individual traits but rather on the truth of our cause.

The integrity of the court system is truly important and the source of my passion for the law. I look forward to meeting each of you. Thank you for your consideration.

Timothy J. Flook

